THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3172 OF 2006

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Dated: 21-02-2006

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Between

Gorla Lakshumamma,

W/o. Late G. Obul Reddy,

R/o. Yerramukkapalle,
Kadapa Town, Kapada District.

... PETITIONER

AND

The Commissioner, Kadapa Municipal

Corporation, Kadapa District, and two

Others.

... RESPONDENTS

ORDER:

It is stated that the petitioner is the absolute owner of the building and shop rooms bearing numbers 4/496, 4/496-1 and 497 situated at Old Bus Stand, Kadapa Town, Kadapa District.

The respondents, in the process of widening of the road, sought to demolish the structures of the petitioner by taking away the portion of the land of the petitioner without following due procedure prescribed under the Hyderabad Municipal Corporations Act (for short 'the Act').

Under the Act, the land of the private citizens can be taken either by way of private negotiations or by paying compensation and
if they do not agree for the private negotiations, the only course open to the respondents is to initiate the land acquisition proceedings either under Section 146 or 147 of the Act.

Accordingly, the respondents are directed not to demolish the structures of the petitioner or take any portion of her land without following due procedure prescribed under law.

The writ petition is disposed of accordingly.

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V. ESWARAIAH, J

February 21, 2006

DSK